



# SUPERIOR COURT

COUNTY OF MADERA  
STATE OF CALIFORNIA

DALE J. BLEA  
PRESIDING JUDGE

ERNEST J. LICALSI  
ASSISTANT PRESIDING JUDGE

ADRIENNE CALIP  
COURT EXECUTIVE OFFICER/JURY COMMISSIONER

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## Summary of Proposed Amendments to Local Rules

### SUMMARY:

The proposed amendments to the Court's Local Rules ("Rules"), are part of the Court's continuing effort to review, correct, and update its Rules as needed.

Below is the full text of proposed local rules with deletions noted in ~~striketrough~~ and additions noted in underline.

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## DIVISION 1 COURT ORGANIZATION AND GENERAL PROVISIONS

### Chapter 4 Court Reporter, Interpreter and Translator.

#### 1.4.4 Interpreters

(a) The Court provides Court Interpreters at no cost to Limited Language court users in all court proceedings, to the extent required by state and federal laws. The Court recognizes the benefit of providing Court Interpreters for all cases types including civil, and will make all necessary efforts to provide interpreters in civil cases in accordance with Evidence Code § 756 and with the availability of interpreters.

(b) In order for the Court to identify the need for a spoken-language interpreter in lower priority case types, upon the filing of the case, submit the Court's local ~~MC-410~~ MAD-INT-001 form, located on the Court's website, or Judicial Form INT-300, to the Court's ~~ADA~~-Interpreter Coordinator.

(c) Parties who desire to hire their own interpreter may do so, as long as the private interpreter meets the qualifications set forth in Government Code §68561 and §68566.

(Effective 7/1/08; renumbered 1/1/13, amended 1/1/15, 7/1/18, 7/1/20, [1/1/21](#))

## **Chapter 10 Law Enforcement Use of Body-Worn Cameras**

### **1.10.1 Law Enforcement Use of Body-Worn Cameras**

#### **(a) Definitions. For purposes of this rule:**

(1) “Body-worn camera” means an electronic device used to photograph or record the performance of a peace officer in the course of his or her official duties.

(2) “Courthouse” means any building in which court proceedings occur, and all portions of such building, including clerk’s offices, lobby areas, hallways, stairs, and elevators.

(3) “Peace officer” has the meaning specified in Penal Code section 830.

(b) Permitted Use. A peace officer may use a body-worn camera in the courthouse to create a recording if the peace officer (i) is conducting an arrest, (ii) is assisting in an arrest, (iii) is interacting with an individual who is not complying with a command from the peace officer, (iv) is responding to an emergency situation, or (v) has received prior authorization from the Presiding Judge.

#### **(c) Limitations on activation of body-worn cameras:**

(1) If law enforcement personnel are present in a courthouse where juvenile matters are heard, they must comply with Welfare and Institutions

Code section 827 and California Rules of Court, rule 5.552.

(2) Except as allowed in subsection (b), a peace officer may not use a body-worn camera in the courthouse to create a recording.

(Effective 1/1/21)

## **DIVISION 2 TRIAL COURT RULES**

### **Chapter 4 Application for Ex Parte Orders.**

2.4.4 To Whom Presented in Particular. Except as otherwise specifically provided by these rules, an application for an ex parte order shall be presented as follows:

(a) Civil, Ex Parte and Writs. An application involving mandamus, review, prohibition, certiorari, receivers, and/or habeas corpus in a civil matter shall be presented to the civil law and motion judge to whom the case has been assigned.

(b) Criminal Ex Parte and Writs. An application involving a criminal matter shall be presented to the Judge to whom the case has been assigned. An application involving mandamus, review, prohibition, certiorari, habeas corpus, and/or coram nobis in a criminal matter shall be presented to the Writ Judge handling criminal writs.

(c) Juvenile. An application involving a juvenile court matter shall be presented to the Presiding Judge of the juvenile court in cases in which that Judge is authorized to act. In all other cases it will be presented to the Presiding Judge.

(d) Family Law. Application involving an order to show cause ([OSC](#)) or request for orders ([RFO](#)) in a domestic relations matter shall be presented to the Judge to whom the case has been assigned.

(e) Probate. An application involving a probate matter shall be presented to the Judge to whom the case has been assigned.

(f) Mental Health. An application involving a mental health matter shall be presented to the Supervising Judge of the Probate-Civil Division.

(Effective 7/1/08, section (f) amended 1/1/13, 1/1/15, [1/1/21](#))

2.4.6 Notice to Opposition. Ex parte applications and orders ordinarily will not be granted unless [the applicant submits with the application a declaration regarding notice in compliance with rules 3.1203 and 3.1204 of the California Rules of Court.](#) ÷

~~—— (a) — The applicant shows, to the satisfaction of the Court, that reasonable formal or informal notice was given in sufficient time to permit the adverse party to make known to the Court any opposition to the application, except as otherwise required under a particular code section and/or in extraordinary circumstances (see, e.g., part (b), below) such notice must be given to any adverse party (or any other party having an interest in the ex parte matter) by 10:00 a.m. the court day before the hearing, or the applicant made a reasonable good faith effort to notify the adverse party (or parties) and further efforts to give notice would probably be futile or unduly burdensome; or~~

~~—— (b) — It clearly appears from specific facts set forth in an affidavit, declaration or verified pleading that giving notice to the adverse party would be likely to result in a frustration of the purpose of the proposed order or that the applicant would suffer immediate and irreparable injury before the adverse party could be heard in opposition; or~~

~~—— (c) — It clearly appears from specified facts set forth in an affidavit, declaration or~~

~~verified pleading that no significant burden or inconvenience to the adverse party would be likely to result.~~

(Effective 7/1/08, amended 1/1/10, section (a) amended 1/1/13, [1/1/21](#))

2.4.7 Time for Application. Except as provided in rule 2.4.9, ex parte applications for orders are heard ~~All applications and requests for domestic relations ex parte applications in Superior Court are heard~~ Monday through Friday, beginning at 8:15 a.m. in the designated department. The judicial officer hearing the application ~~such matter~~ may hear the matter at that time or defer the matter until the completion of the law and motion calendar or otherwise as the Court's calendar may allow.

(Effective 7/1/08, amended 1/1/18, [1/1/21](#))

2.4.9 Ex Parte Application for Temporary Restraining Order (TRO) Procedure When No Notice is Given. (Domestic Violence, Civil Harassment, Elder or Dependent Adult Abuse, Workplace Violence, and Gun Violence). When an application for an ex parte temporary restraining order (TRO) is submitted to the court, without notice to the opposing party, for Domestic Violence Prevention, Civil Harassment Prevention, Elder or Dependent Adult Abuse Prevention, Workplace Violence Prevention, or Gun Violence Prevention, a judicial officer will review the application on the same day the application is submitted, or on the next judicial day if sufficient time for judicial review was not provided, and a judicial assistant will notify the applicant regarding whether or not the temporary restraining orders were issued or denied. Whether or not temporary restraining orders are issued, the hearing on the application will be calendared within the time required by law. If the applicant provided notice of the ex parte application to the opposing party, the matter shall remain on the ex parte calendar for the Court to consider issuing amended orders.

(Effective 1/1/21)

## **DIVISION 5 DOMESTIC RELATIONS AND JUVENILE MATTERS**

### **Chapter 1 General**

~~5.1.3 Timely Filing of Papers. All Requests for Orders, Orders to Show Cause, Notices of Motion, income and expense declarations, and proofs of service must be filed in the office of the Clerk not later than 4:00 p.m. three (3) court days preceding the day said order or motion is to be heard. The filing will not be placed on the calendar for hearing unless the Request for Order, Order to Show Cause, or Notice of Motion, together with proof of service, is filed in the office of the Clerk in compliance with the preceding sentence. (Effective 7/1/08, amended 1/1/13)~~

5.1.41 Appointment of Counsel for Children (Minor's Counsel). Attorneys who would like to be considered for appointment as Minor's Counsel in a Family Law case must contact the Court Administration for further instructions.

(a) Minor's Counsel must meet all qualifications set forth in California Rule of Court 5.242.

(b) Attorneys appointed as Minor's Counsel must file Judicial Council form FL-322 (or its equivalent) no later than 10 days after appointment and before beginning work on the case.

(c) After the initial appointment, Minor's Counsel appointed must file Judicial Council form FL-322 (or its equivalent) annually in each case during the time they are appointed to indicate they have completed the required updates.

(Effective 1/1/21)

5.1.42 Complaints regarding Minor's Counsel. Complaints or questions regarding Minor's Counsel representation shall be addressed as follows:

(a) Complaints or questions shall initially be referred to any agency or law firm appointed to represent the client.

(b) If the issue remains unresolved, or if there is no designated agency or law firm, the complaint may be submitted to the Court in writing. The Court may conduct its own review of the complaint or question and take appropriate action if required.

(Effective 1/1/21)

Form Number:	Form Name:	Form Type:	Form Effective/Revised Date:
MAD-CFO-0001	Request for Judicial <a href="#">Administrative</a> Records	Optional	03/19/2019 <a href="#">04/15/2020</a>
MAD-CIV-0001	At Issue Memorandum	Optional	10/01/2019 <a href="#">04/15/2020</a>
MAD-CIV-0002	Request for Calendar Setting – <a href="#">Civil Division</a>	Optional	10/01/2019 <a href="#">04/15/2020</a>
MAD-CIV-0003	<a href="#">Notice of Family Law</a> Status Conference <del>Statement</del>	Mandatory	10/01/2019 <a href="#">04/15/2020</a>
MAD-CIV-0004	Request for Records Search– <a href="#">Civil Division</a>	Optional	01/06/2020 <a href="#">04/15/2020</a>
MAD-CIV-0005	Ex-Parte Declaration	Optional	10/01/2019 <a href="#">04/15/2020</a>
MAD-CIV-0006	Local Court Policy- <del>Small Claims</del>	Optional	03/06/2019 <a href="#">04/15/2020</a>
MAD-CIV-0007	Objection to Guardianship	Optional	03/06/2019 <a href="#">04/15/2020</a>
MAD-CIV-0008	<a href="#">Judgment Debtor's Declaration</a> Re: Request to Enter Satisfaction <a href="#">of</a>	Optional	03/06/2019 <a href="#">04/15/2020</a>

	<a href="#">Judgment Pursuant to CCP §116.850 and Order</a>		
MAD-CIV-0009	Petition for Joinder ( <del>Custody</del> /Visitation)	Optional	03/06/2019 <a href="#">04/15/2020</a>
MAD-CIV-0010	Confidential Declaration	Mandatory	03/06/2019 <a href="#">04/15/2020</a>
MAD-CIV-0011	Request for Dismissal <a href="#">in Whole or in Part</a> —(Small Claims)	Optional	03/11/2019 <a href="#">04/15/2020</a>
MAD-CIV-0012	Application and Order for Publication, Posting of Summons, Citation; Extension of Time	Optional	03/12/2019 <a href="#">04/15/2020</a>
MAD-CIV-0013	<a href="#">Family Law</a> Settlement Conference Statement	Optional	03/12/2019 <a href="#">04/15/2020</a>
<a href="#">MAD-CIV-0014</a>	<a href="#">Peremptory Challenge (CCP §170.6)</a>	<a href="#">Optional</a>	<a href="#">08/15/2020</a>
<a href="#">MAD-CIV-0015</a>	<a href="#">Petition for Visitation (Probate)</a>	<a href="#">Optional</a>	<a href="#">08/15/2020</a>
<a href="#">MAD-CIV-0016</a>	<a href="#">Consent to Termination and Waiver of Service of Petition and Notice of Hearing</a>	<a href="#">Optional</a>	<a href="#">08/15/2020</a>
<a href="#">MAD-CIV-0017</a>	<a href="#">Declaration of Due Diligence and Request to Dispense with Notice of Service</a>	<a href="#">Optional</a>	<a href="#">08/15/2020</a>
<a href="#">MAD-CIV-0018</a>	<a href="#">Unlawful Detainer Supplemental Cover Sheet</a>	<a href="#">Optional</a>	<a href="#">09/01/2020</a>
MAD-CRM-0001	Request for Records Search—Criminal Division	Optional	01/06/2020 <a href="#">04/15/2020</a>
MAD-CRM-0002	Modification Request Form—Criminal Division	Optional	03/09/2019 <a href="#">04/15/2020</a>
MAD-CRM-0003	Order Withdrawing Lien on Real Property Posted as Bail	Optional	03/08/2019 <a href="#">04/15/2020</a>
MAD-CRM-0004	Instructions for Undertaking Pursuant to <a href="#">Penal Code</a> §§1279 and 1298	Optional	03/11/2019 <a href="#">04/15/2020</a>

MAD-CRM-0005	Checklist <del>for</del> Undertaking Pursuant to <a href="#">Penal Code §§ 1279</a> and 1298	Optional	03/19/2019 <a href="#">04/15/2020</a>
MAD-CRM-0006	Undertaking and Affidavit for Undertaking (Deposit or Real Property as Bail)	Optional	03/19/2019 <a href="#">04/15/2020</a>
MAD-CRM-0007	Deed of Full Reconveyance	Optional	03/11/2019 <a href="#">04/15/2020</a>
MAD-CRM-0008	Notice of Petition and Petition for Relief <a href="#">Pursuant to Penal Code</a> <a href="#">§1210(e)(1)</a> <del>— Prop 36</del>	Optional	03/11/2019 <a href="#">04/15/2020</a>
MAD-CRM-0009	Notice of Filing of Petition for Certificate of Rehabilitation and Pardon <a href="#">Pursuant to</a> <a href="#">Penal Code §§4852.01,</a> <a href="#">4852.06</a>	Optional	08/14/2019 <a href="#">04/15/2020</a>
MAD-CRM-0010	Petition: Certificate of Rehabilitation and Pardon <a href="#">Pursuant to</a> <a href="#">Penal Code §§4852.01,</a> <a href="#">4852.06</a> (Penal Code §4852.1 et seq.)	Optional	08/19/2019 <a href="#">04/15/2020</a>
MAD-CRIM-0010-A	Certificate of Rehabilitation <a href="#">Pursuant</a> <a href="#">to Penal Code §4852.13</a>	Optional	08/20/2019 <a href="#">04/15/2020</a>
MAD-CRM-0011	Order <del>for</del> Dismissing Accusation Against Probationer Pursuant to Penal Code §1210(e)(1)	Optional	03/11/2019 <a href="#">04/15/2020</a>
MAD-CRM-0012	Petition for Resentencing for Reduction to Misdemeanor	Optional	03/12/2019 <a href="#">04/15/2020</a>
MAD-CRM-0013	Response Resentencing for Reduction to Misdemeanor	Optional	03/12/2019 <a href="#">04/15/2020</a>
MAD-CRM-0014	Order <del>for</del> <u>—</u> Petition for Resentencing	Optional	03/12/2019 <a href="#">04/15/2020</a>
MAD-CRM-0015	Request for Copy of Notice of Default and Sale	Optional	03/12/2019 <a href="#">04/15/2020</a>



MAD-CRM-0016	Proof of Service <del>—</del> <del>Criminal: Petition for Relief Under Penal Code § 17(b), 179d(2), 1203.4, 1203.4(a), 1203.41, 1293.43, 1203.49</del>	Optional	03/12/2019 <a href="#">08/01/2020</a>
MAD-CRM-0017	Petition for Modification/Termination of Probation Pursuant to Penal Code §1203.3	Optional	03/12/2019 <a href="#">04/15/2020</a>
MAD-CRM-0018	Information <a href="#">and Instructions for Petition for Dismissal Sheet</a> — <del>Petition for Relief Under Penal Code §§17, 1203.4, &amp; 1203.4(a)</del>	Optional	03/12/2019 <a href="#">07/01/2020</a>
MAD-CRM-0019	Information <a href="#">and Instructions for Expungement of DNA Profiles and Samples (Pen Code §299)</a>	Optional	03/19/2019 <a href="#">04/15/2020</a>
MAD-CRM-0020	Order <del>—</del> Petition for Resentencing ( <a href="#">Health and Safety Code §11361.8</a> ) Prop 64	Optional	03/15/2019 <a href="#">04/15/2020</a>
MAD-CRM-0021	Proof of Service <del>—</del> : Petition for Expungement of DNA Profiles and Samples ( <a href="#">Penal Code § 299</a> )	Optional	03/19/2019 <a href="#">04/15/2020</a>
MAD-CRM-0022	Instructions <del>for</del> : Petition for Certificate of Rehabilitation and Pardon	Optional	03/19/2019 <a href="#">04/15/2020</a>
MAD-CRM-0023	Instructions <del>on</del> : Notice of Petition and Petition for Relief Under Penal Code § 1210(e)(1)	Optional	03/19/2019 <a href="#">04/15/2020</a>
MAD-CRM-0024	Proof of Service- Notice of Petition and Petition for Relief Under Penal Code §1210(e)(1)	Optional	03/19/2019 <a href="#">07/01/2020</a>
MAD-CRM-0025	Application for Order to Modify and/or Terminate Criminal Protective Order	Optional	04/03/2019 <a href="#">04/15/2020</a>



<a href="#">MAD-CRM-0026</a>	<a href="#">Request for Calendar Setting—Criminal Division</a>	<a href="#">Optional</a>	<a href="#">07/01/2020</a>
<del>MAD-CSD-0001</del>	<del>Notice of Exhibits Associated with Remote Video Trial</del>	<del>Optional</del>	<del>07/01/2019</del>
MAD-FCS-0001	<a href="#">Court</a> Order Appointing <a href="#">Superior</a> Court Investigator in Probate Guardianship ( <a href="#">Pursuant to Probate Code §1513</a> )	Optional	03/06/2019 <a href="#">04/15/2020</a>
MAD-FCS-0002	<a href="#">Court</a> Order Appointing <a href="#">Child Protective Services</a> <del>GPS</del> in Probate Guardianship ( <a href="#">Pursuant to Probate Code §1513</a> )	Optional	03/06/2019 <a href="#">09/14/2020</a>
MAD-FCS-0003	<a href="#">Court</a> Order Appointing <a href="#">Superior</a> Court Investigator in Probate Conservatorship	Optional	11/06/2019 <a href="#">04/15/2020</a>
MAD-FCS-0004	<a href="#">Court</a> Order <a href="#">Appointing Superior Court Investigator Pursuant to Family Code §7850-</a> <del>DMF-SPA</del>	Optional	03/06/2019 <a href="#">04/15/2020</a>
MAD-FCS-0005	<del>3111</del> <a href="#">Child Custody Investigation</a> Intake— Questionnaire	Mandatory	03/07/2019 <a href="#">04/15/2020</a>
MAD-FCS-0006	Conservatorship <a href="#">Investigation</a> Intake Questionnaire	Mandatory	03/06/2019 <a href="#">04/15/2020</a>
MAD-FCS-0007	Guardianship <a href="#">Investigation</a> Intake Questionnaire	Mandatory	12/09/2019 <a href="#">04/15/2020</a>
MAD-FCS-0008	Mediation Intake Questionnaire	Mandatory	03/06/2019 <a href="#">04/15/2020</a>
MAD-FCS-0009	<del>DMF-SPA</del> <a href="#">Declare Minor Free/Stepparent Adoption Investigation</a> Intake Questionnaire	Mandatory	03/06/2019 <a href="#">04/15/2020</a>
MAD-FCS-0010	Grandparent-Stepparent Mediation Intake Questionnaire	Mandatory	03/06/2019 <a href="#">04/15/2020</a>
MAD-FCS-0011	Guardianship Mediation Intake Questionnaire	Mandatory	03/07/2019 <a href="#">04/15/2020</a>

MAD-FCS-0012	<del>DV</del> -Waiver of Right <a href="#">to Individual Session</a>	Mandatory	03/07/2019 <a href="#">04/15/2020</a>
MAD-FCS-0013	Petitioner(s) Screening Form—Guardianship	Mandatory	03/14/2019 <a href="#">04/15/2020</a>
MAD-INT-0001	Request for Interpreter <a href="#">Services</a> - English	Optional	03/19/2019 <a href="#">04/15/2020</a>
MAD-INT-0002	Request for Interpreter <a href="#">Services</a> - Spanish	Optional	03/19/2019 <a href="#">04/15/2020</a>
MAD-INT-0003	Language Access Complaint or Comment Form- English	Optional	03/19/2019 <a href="#">04/15/2020</a>
MAD-INT-0004	Language Access Complaint or Comment Form- Spanish	Optional	03/19/2019 <a href="#">04/15/2020</a>
MAD-JUV-0001	Request for Records Search- Juvenile Division	Optional	01/06/2020 <a href="#">04/15/2020</a>
MAD-JUV-0002	Request for Calendar Setting- Juvenile Division	Optional	03/19/2019 <a href="#">04/15/2020</a>
MAD-JUV-0003	Petition to Inspect and/or Obtain Copies of Adoption Record – <a href="#">(FC §9200)</a>	Optional	03/19/2019 <a href="#">04/15/2020</a>
MAD-JUV-0004	Order to Inspect and/or Obtain Copies of Adoption Record- <a href="#">(FC §9200)</a>	Optional	03/19/2019 <a href="#">04/15/2020</a>
MAD-JUV-0005	Information Sheet for Petition to Inspect Adoption Record- <a href="#">(FC §9200)</a>	Optional	03/04/2019 <a href="#">04/15/2020</a>
MAD-JUV-0006	Petition to Inspect and/or Obtain Copies of Birth Record- <a href="#">(H&amp;S §102705)</a>	Optional	03/19/2019 <a href="#">04/15/2020</a>
MAD-JUV-0007	Order to Inspect and/or Obtain Copies of Birth Record- <a href="#">(H&amp;S §102705)</a>	Optional	03/19/2019 <a href="#">04/15/2020</a>
MAD-JUV-0008	Information Sheet for Petition to Inspect and/or Obtain Copies of Birth Record- <a href="#">(H&amp;S §102705)</a>	Optional	03/04/2019 <a href="#">04/15/2020</a>

MAD-JUV-0009	Petition to Obtain Original Unsealed/ <del>Unredacted</del> <del>Un-Redacted</del> Birth Certificate	Optional	03/19/2019 <a href="#">04/15/2020</a>
MAD-JUV-0010	Order to Obtain Original Unsealed/ <del>Unredacted</del> <del>Un-Redacted</del> Birth Certificate	Optional	03/19/2019 <a href="#">04/15/2020</a>
MAD-JUV-0011	Information Sheet for Petition to Obtain Original Unsealed/ <del>Unredacted</del> <del>Un-Redacted</del> Birth Certificate	Optional	03/04/2019 <a href="#">04/15/2020</a>
MAD-JUV-0012	Petition for Approval of Adult Adoption Agreement	Optional	03/19/2019 <a href="#">04/15/2020</a>
MAD-JUV-0013	Adult Adoption Agreement	Optional	03/19/2019 <a href="#">04/15/2020</a>
MAD-JUV-0014	Consent of Spouse of Adopting Parent	Optional	03/19/2019 <a href="#">04/15/2020</a>
MAD-JUV-0015	Consent of Spouse of Adopted Person	Optional	03/19/2019 <a href="#">04/15/2020</a>
MAD-JUV-0016	<del>Order of</del> Adult Adoption <a href="#">Order</a>	Optional	03/19/2019 <a href="#">04/15/2020</a>
MAD-TRC-0001	Request for Records Search—Traffic Division	Optional	01/06/2020 <a href="#">04/15/2020</a>
MAD-TRC-0002	Agreement to Pay and Forfeit Bail in Installments (Vehicle Code, §40510.5)	Optional	06/04/2018 <a href="#">04/15/2020</a>
MAD-TRC-0003	Agreement to Pay Traffic Violator School Fees in Installments (Vehicle Code, §42007)	Optional	06/04/2018 <a href="#">04/15/2020</a>